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60/172 7590 12/17/2008 SCHWABE, WILLIAMSON & WYATT, P.C. 1420 FIFTH, SUITE 3010 SEATTLE, WA 98101				
EXAMINER				
DEAN, RAYMOND S				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/687,524

**Applicant(s)**

ENGSTROM ET AL.

**Examiner**

RAYMOND S. DEAN

**Art Unit**

2618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-11 and 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-11 and 14-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 1, 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed October 1, 2008 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicants assertion that Gidwani does not teach the claim feature of particularizing the list of communication messages to include only messages to and from a single communication partner. Gidwani is cited for it's teaching of particularizing a list to include only messages to and from a single communication partner. Cermak, as indicated in previous office actions, teaches a list of communication messages with one or more communication partners of at least tow message types. The combination of Cermak and Gidwani thus reads on the limitation in question.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 24 – 25, 27 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Yach et al. (US 2002/0128036)

Regarding Claim 24, Yach teaches a wireless mobile communication device comprising: a transceiver to facilitate sending and receiving communication messages of a plurality of message types to and from a communication partner (Section 0117); a display (Figure 2c, mobile device (100)); an input device (Figure 2c, mobile device (100) keyboard, microphone); a memory to store a message (Sections 0117, all of the different types of messages are stored), and a unified message function, said unified message function having a user interface configured to facilitate viewing of messages of a plurality of message types, including an email message type, a text message type, and a voice message type (Figure 15b, Sections 0117 – 0121, email, voice, SMS, which is text); wherein the user interface is configured to be directly accessible from an operating state selected from the group consisting of an email composition state for composing an email, a text message composition state for composing a text message, and a voice message composition state for composing a voice message (Figure 2b,

Section 0121, user can highlight a message from the unified listing interface and compose an email message to person y, the composition of said email comes as a result of highlighting a message via the unified listing interface thus said unified listing interface is accessible from the email composition state); and wherein the unified message function is further configured to maintain email messages as email message objects, text message as text message objects, voice message as voice message objects, and additionally, unified message objects (Figures 15a, 15b, Sections 0117 - 0121, additional data such as the header information and the message body, which makes up the message object, is stored, the unified event listings, which are also stored, are the unified message objects) each including a pointer pointing to the corresponding email, text or voice message object (Figures 15a, 15b, Sections 0117 - 0121, the user can highlight and select desired communication events, which comprises messages of different message types, the highlighting and selection of a particular event will point to a particular location in memory that stores said particular event thus there will be a pointer).

Regarding Claim 27, Yach teaches a method comprising: receiving, by a wireless mobile communication device, a plurality of messages of a plurality of message types, including messages of an email message type, messages of a text message type, and messages of a voice message type (Section 0117); maintaining by the wireless mobile communication device, the email messages, text messages and voice messages as email message objects, text message objects and voice message objects respectively (Figures 15a, 15b, Sections 0117 - 0121, additional data such as the header information

and the message body, which makes up the message object for the text, voice, email, and text message, is stored, the header information is information such as date sent and identification of sender); maintaining by the wireless mobile communication device, additional unified message objects (Figures 15a, 15b, Sections 0117 - 0121, the unified event listings, which are also stored, are the unified message objects), each including a pointer pointing to a corresponding one of the email, text or voice message object, for facilitating unified viewing of the message (Figures 15a, 15b, Sections 0117 - 0121, the user can highlight and select desired communication events, which comprises messages of different message types, the highlighting and selection of a particular event will point to a particular location in memory that stores said particular event thus there will be a pointer); facilitating a user, by the wireless mobile communication device, in composing an email message, a text message or a voice message (Figure 2b, email can be composed, text message can be composed); and in response to a user request while facilitating the user in said composing of an email message, a text message or a voice message, switching by the wireless mobile communication device to facilitating the user in unified viewing of the received messages using the unified message objects (Section 0117, a user can view the unified event listing whenever said user desires thus rendering a scenario wherein a user is composing an email to send to a particular person and, in an effort to compose a proper email, refers to a particular email in the unified event listing that said particular person sent said user previously).

Regarding Claim 25, Yach teaches all of the claimed limitations recited in Claim 24. Yach further teaches each email, text, or voice message object includes information

selected from the group consisting of an identifier of the type of message, an identifier of the sender, an identifier of the time sent, an identifier of the data sent, an identifier of the time received, an identifier of the data received, an indication of message urgency, or an indication that a response is requested by a sender (Section 0120, header information for email messages typically includes: name of sender and time the email message was sent).

Regarding Claim 28, Yach teaches all of the claimed limitations recited in Claim 27. Yach further teaches receiving by the wireless mobile communication device, a user selection to view one of the email, text or voice message being viewed in a unified manner (Figure 2b, Section 0121); retrieving by the wireless mobile communication device from the unified message object of the selected message, the pointer pointing to the selected message (Section 0121, the highlighting and selection of a particular event will point to a particular location in memory that stores said particular event thus there will be a pointer); retrieving the selected message by the wireless mobile communication device using the retrieved pointer; and displaying or playing by the wireless mobile communication device, the retrieved message (Figure 2b, when the user selects a particular message to send a reply to said message will be displayed thus enabling said user to properly reply).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 6 – 9, 11, 14 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cermak et al. (US 6,763,095) in view of Yach et al. (US 2002/0128036) and in further view of Gidwani (US 6,640,239)

Consider Claim 1. Cermak teaches in a wireless mobile communication device, a method of operation (Col. 2, lines 38-53, Abstract) comprising: receiving a first user request from an input key of the wireless mobile communication device (Col. 5, lines 1-13, lines 29-39, Col. 2, lines 9-29, lines 38-52, particularly lines 42-45); and in response, displaying on a display of the wireless mobile communication device (Col. 4, lines 1-37, Col. 5, lines 1-39), a list of communication messages with a communication partner of at least two message types selected from a message type group comprising of an email message type, a text message type, a voice message type, and a call message type (Col. 7, lines 35-44), where an icon is displayed when a new message has arrived, either a voice message or a text message.

Cermak does not teach a list of communication messages to and from a plurality of communication partners and the displaying including displaying representations of the communication messages of the list; receiving by the wireless mobile communication device, a second user request from the same or another input key of the wireless mobile communication device particularizing the list of communication



messages to include only messages to and from a single communication partner, the particularized list being a thread of communication with the communication partner.

Yach teaches a list of communication messages to and from a plurality of communication partners (Section 0117), the displaying including displaying representations of the communication messages of the list (Figures 15a, 15b, Section 0117); receiving by the wireless mobile communication device, a second user request from the same or another input key of the wireless mobile communication device (Figure 2b, Section 0121 lines 27 – 35, the user can make multiple requests).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cermak with the unified event listing functionality of Yach for the purpose of keeping track of all different types of events that take place on the mobile device as taught by Yach.

Gidwani, which is also in the unified communications field of endeavor, teaches particularizing a list of communication messages to include only messages specific to a single communication partner, the particularized list being a thread of communication with the communication partner (Col. 49 lines 53 – 59, lines 62 – 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cermak in view of Yach with the unified communications method of Gidwani for the purpose of enabling a more efficient communications capability for the subscriber as taught by Gidwani. The combination of Yach and Gidwani render a particularized list of communication messages including only messages to and from a single communication partner.

Consider Claim 9. Cermak et al. teaches a wireless mobile communication device (Col. 2, lines 38-53, Abstract) comprising: a transceiver to facilitate sending and receiving communication messages of a plurality of message types to and from a communication partner (Col. 2, lines 38-58, Col. 4, lines 1-37), where a system includes a user terminal that may be a cellular phone for incoming and outgoing communications, such as for a user to leave a message and receive a message; a display (Col. 4, lines 18-21, lines 31-37, Col. 2, lines 9-15, lines 38-53, Col. 5, lines 29-39, Col. 6, lines 43-57); an input device (Col. 2, lines 38-53, Col. 8, lines 41-59, particularly lines 50-52); and an unified message function to render on the display, in response to a first input inputted using the input device (Col. 4, lines 1-37, Col. 5, lines 1-39), a list of communication messages from the communication partner of a plurality of message types selected from a message type group comprising of an email message type, a text message type, a voice message type, and a call message type (Col. 7, lines 35-44), where an icon is displayed when a new message has arrived, either a voice message or a text message.

Cermak does not teach a unified message function configured to store the messages as message objects and additionally unified message objects in the storage, the unified message objects for facilitating unified viewing of the messages of different message types, each including a pointer pointing to a corresponding one of the messages of different message types, a list of communication messages to and from one or more communication partners, the displaying including displaying representations of the communication messages of the list, and particularize, in

response to a second input inputted used in the input device, the list of communication messages to include only messages to and from a single communication partner, the particularized list being a thread of communication with the communication partner.

Yach teaches a unified message function configured to store the messages as message objects and additionally unified message objects in the storage (Figures 15a, 15b, Sections 0117 - 0121, additional data such as the header information and the message body, which makes up the message object, is stored, the unified event listings, which are also stored, are the unified message objects), the unified message objects for facilitating unified viewing of the messages of different message types, each including a pointer pointing to a corresponding one of the messages of different message types (Figures 15a, 15b, Sections 0117 – 0121, the user can highlight and select desired communication events, which comprises messages of different message types, the highlighting and selection of a particular event will point to a particular location in memory that stores said particular event thus there will be a pointer), a list of communication messages to and from one or more communication partners (Section 0117), the displaying including displaying representations of the communication messages of the list (Figures 15a, 15b, Section 0117); receive a second user request from the same or another input device, which is a second input (Figure 2b, Section 0121 lines 27 – 35, the user can make multiple requests).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cermak with the unified event listing

functionality of Yach for the purpose of keeping track of all different types of events that take place on the mobile device as taught by Yach.

Gidwani, which is also in the unified communications field of endeavor, teaches particularizing a list of communication messages to include only messages specific to a single communication partner, the particularized list being a thread of communication with the communication partner (Col. 49 lines 53 – 59, lines 62 – 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cermak in view of Yach with the unified communications method of Gidwani for the purpose of enabling a more efficient communications capability for the subscriber as taught by Gidwani. The combination of Yach and Gidwani render a particularized list of communication messages including only messages to and from a single communication partner.

Consider Claim 3, in regards to claim 1, respectively, above. Cermak teaches the method wherein the method of operation, further comprising receiving a second user request from the same or another input key of the wireless mobile communication device (Col. 5, lines 1-13, lines 29-39); and in response, expanding the display of a selected one of the displayed communication messages from the communication partner (Col. 4, lines 15-25, Col. 5, lines 9-13, Col. 6, lines 58-67, Col. 7, lines 1-34).

Consider Claim 6, in regards to claim 1, respectively, above. Cermak teaches the method wherein said displaying comprises displaying the list of communication messages with at least three message types selected from the message type group comprising of the email message type (Col. 5, lines 1-13, Col. 6, lines 3-25, Col. 7, lines

5-21, Col. 8, lines 21-32), the text message type (Col. 6, lines 15-20, Col. 2, lines 9-21, Col. 7, lines 40-44), the voice message type (Col. 7, lines 23-62, Col. 4, lines 20-24, Col. 2, lines 9-21), and the call message type (Col. 7, lines 23-34, Col. 5, lines 29-39, Col. 4, lines 34-37).

Consider Claim 7, in regards to claim 1, respectively, above. Cermak teaches the method wherein said displaying comprises displaying the list of communication messages with at least four message types comprising the email message type (Col. 5, lines 1-13, Col. 6, lines 3-25, Col. 7, lines 5-21, Col. 8, lines 21-32), the text message type (Col. 6, lines 15-20, Col. 2, lines 9-21, Col. 7, lines 40-44), the voice message type (Col. 7, lines 23-62, Col. 4, lines 20-24, Col. 2, lines 9-21), and the call message type (Col. 7, lines 23-34, Col. 5, lines 29-39, Col. 4, lines 34-37).

Consider Claim 8, in regards to claim 1, respectively, above. Cermak teaches the method wherein said displaying comprises displaying text messages across different chat sessions (Col. 6, lines 15-20, Col. 2, lines 9-21, lines 38-65, Col. 7, lines 40-44).

Consider Claim 11, in regards to claim 9, respectively, above. Cermak teaches the method wherein the method of operation, further comprising receiving a second user request from the same or another input key of the wireless mobile communication device (Col. 5, lines 1-13, lines 29-39); and in response, expanding the display of a selected one of the displayed communication messages from the communication partner (Col. 4, lines 15-25, Col. 5, lines 9-13, Col. 6, lines 58-67, Col. 7, lines 1-34).

Consider Claim 14, in regards to claim 9, respectively, above. Yach further teaches automatically determining a message type when facilitating a user in

responding to a received message (Figure 15b, the icons (1727) indicate to the user the type of message).

Consider Claim 15, in regards to claim 9, respectively, above. Yach further teaches each message object includes information selected from the group consisting of an identifier of the type of message, an identifier of the sender, an identifier of the time sent, an identifier of the data sent, an identifier of the time received, an identifier of the data received, an indication of message urgency, or an indication that a response is requested by a sender (Section 0120, header information for email messages typically includes: name of sender and time the email message was sent).

Consider Claim 16, in regards to claim 9, respectively, above. Cermak teaches the method wherein said displaying comprises displaying text messages across different chat sessions (Col. 6, lines 15-20, Col. 2, lines 9-21, lines 38-65, Col. 7, lines 40-44).

Consider Claim 17, in regards to claim 9 above. Cermak teaches the wireless mobile communication device wherein the wireless mobile device comprises a wireless mobile phone (Col. 2, lines 42-44).

Consider Claims 18, 21 in regards to Claims 1, 9 above, Yach further teaches receiving by the wireless mobile communication device, a third user request from the same or another input key of the wireless mobile communication device selecting a representation of one of the communication messages of the list (Figure 2b, Section 0121 lines 27 – 35, the user can make multiple requests); and in response to said receiving the third user request, displaying, by the wireless mobile communication

device, a list of selectable entries associated with multiple communication protocols to facilitate the user in selecting a communication protocol, and facilitating, by the wireless mobile communication device, reply to the communication message in the selected communication protocol (Figure 2b, Section 0121 lines 22 – 35, there are a plurality of communication protocols such as email, SMS, cellular calls).

Consider Claims 19, 22 in regards to Claims 1, 9 above. Yach further teaches wherein the wireless mobile communication device has multiple threads with multiple communication partners (Section 0117, the user of the mobile device can communicate with multiple people via email, phone, or fax thus rendering multiple threads).

Consider Claims 20, 23 in regards to Claims 1, 9 above. Gidwani further teaches wherein the particularizing is based at least in part on an identifier associated with the communication partner (Col. 49 lines 53 – 59, lines 62 – 65, the unified thread is particularized to a specific communication partner thus there will be some kind of identifier associated with the communication partner to enable said particularization to occur).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cermak et al. (US 6,763,095) in view of Yach et al. (US 2002/0128036) in view Gidwani of (US 6,640,239), as applied to Claim 1 above, and further in view of Kaaresoja et al. (US 2002/0177471)

Consider Claim 2, in regards to claim 1, respectively, above. Cermak in view of Yach and in further view of Gidwani does not teach the method wherein the displaying

comprises displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message.

Kaaresoja teaches displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message (Section 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile phone of Cermak in view of Yach and in further view of Gidwani with the visual icon functionality of Kaaresoja for the purpose of enriching the communication experience of the user as taught by Kaaresoja.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cermak et al. (US 6,763,095) in view of Yach et al. (US 2002/0128036) in view Gidwani of (US 6,640,239), as applied to Claim 9 above, and further in view of Kaaresoja et al. (US 2002/0177471)

Consider Claim 10, in regards to claim 9, respectively, above. Cermak in view of Yach and in further view of Gidwani does not teach the method wherein the displaying comprises displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message.

Kaaresoja teaches displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message (Section 0018).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile phone of Cermak in view of Yach and in further view of Gidwani with the visual icon functionality of Kaaresoja for the purpose of enriching the communication experience of the user as taught by Kaaresoja.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yach et al. (US 2002/0128036) in view Kaaresoja et al. (US 2002/0177471)

Regarding Claim 26, Yach teaches all of the claimed limitations recited in Claim 24. Yach does not teach wherein the identification of a sender further includes a pictorial icon associated with the sender.

Kaaresoja teaches displaying on the display for a communication message, a pictorial icon depicting the communication partner of the communication message (Section 0018).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile phone of Yach with the visual icon functionality of Kaaresoja for the purpose of enriching the communication experience of the user as taught by Kaaresoja.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Examiner, Art Unit 2618  
December 15, 2008